

## COBBETT'S WEEKLY POLITICAL REGISTER.

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" Nothing but a law, declaring Bank-notes to be a *legal tender* of payment, can relieve the Bankers and the trading part of the community from the hardships to which they are now liable; and, yet, the remedy must, in the end, be worse than the evil."—MR. HOANHOUSE. Speech in the House of Commons, 27th March, 1797.

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## PAPER AGAINST GOLD:

BEING AN EXAMINATION

OF THE

*Report of the Bullion Committee:*

IN A SERIES OF LETTERS

TO THE

TRADESMEN AND FARMERS

IN AND NEAR SALISBURY.

## LETTER XVII.

*The Legal Tender—Gold is the only legal tender for any sum above 25 pounds—Acts of the 14th and 39th of Geo. III.—Mr. Huskisson's remark upon the legal tender—The effects of a legal tender in paper—Illustrated by the case of New Jersey—Act against legal tender in paper, 4th Geo. III. chap. 34—Mr. Huskisson's mis-statement as to the notions entertained respecting the legal tender at the passing of the Act of 1797—Mr. SHERIDAN's prediction when the Act was moved for—Sir F. Baring proposes to make the notes a legal tender—Mr. Pitt declines it for the present—The Mansion House and other Meetings had, in some sort, the effect of law—The law as it now stands as to the legal tender of Bank of England notes—Country Bankers may be compelled to pay their notes in Gold.*

Gentlemen,

Before we proceed in our inquiries as to the DURATION of the Act, which was the subject of the foregoing Letter, and by which the Bank of England was protected against the cash-demands of the holders of their promissory notes; before we proceed in these inquiries, which will discover matter not a little curious in itself, and, very interesting as connected with what is now going on; before we thus proceed I must beg your attention to a few more words upon the subject of the LEGAL TENDER.

The truth is, that *gold* and *gold only* is a legal tender, in this kingdom, for any sum above 25 pounds, unless the silver be tendered in *weight*. This was settled by an Act, passed in 1774 (14 Geo. III. Chap. 42,) which act provided, that no tender in payment of money made in the Silver Coin exceeding the sum of 25 pounds, should be deemed a legal tender for more than its value by weight, at the rate of 5s. 2d. for each ounce of Silver. This Act continued in force for two years, when it expired; but it was again revived in the year 1799, and made perpetual. Thus, you see, that even Silver coin was not, except in small sums, a legal tender, and is not a legal tender to this day.

But, though the Bank of England notes were not by the *Restriction, or Stoppage Act*, made a legal tender, to all intents and purposes, they were made so to a certain extent; for, by the tender of them in lieu of money, any debtor could escape arrest and also escape the giving of *special bail*; and, as to the Bank of England, the Act not only protected it against the demands of its creditors; that is, against the holders of its notes, but by the same Act, the Bank was to *pay to the public*, any thing due from the former to the latter, in its notes, and not to be compellable to pay in Gold or Silver. This was going some way, at least, in making bank notes a *legal tender*, and this seems to have been overlooked by Mr. HUSKISSON, (a Gentleman of whom we shall have much to say by-and-by,) who in speaking of the *change* created by the Act of 1797, in our money system, observes, that that Act did not repeal any of the former regulations relating to the *coin*, and that it did not alter the Act of the 39th of the King. "It did not," says he, "alter in any respect the existing state of the law, either as to the weight or the fineness of the gold coin; or the act of the 39th of the King." I have quoted this Gentleman's own words, because I am not

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quite sure that I clearly understand them. Mr. Huskisson is a member of parliament, and a pensioner, and such people are apt to talk in a style that common men cannot comprehend. Whether he means, here, that the *weight* and the *fineness* of the Act of the 39th of the King remained unaltered; or, that the *existing state of the law* as to the act of the 39th of the King remained unaltered; or, that the Act of the 39th of the King *did itself remain unaltered*: which of these may be his meaning, I cannot positively say; but, of this am sure, that, in all the three suppositions, it was quite unnecessary to express such meaning, seeing that the Act, which he so positively and carefully assures us was not *altered* by the Act of 1797, was not in existence at the time, and was not passed till two years afterwards.

The mischievousness of forcing paper-money upon a people are very well known. It has been most severely felt in all the countries where it has been resorted to, and it has never failed, sooner or later, to annihilate the whole of the paper, attempted so to be forced upon the people. This was the case in all the States of North America, every one of which has, first or last, had a *public debt*, a *paper money*, a *legal tender in paper*, and a *state bankruptcy*. The last of the States, I believe, that clung to a legal tender in paper, was NEW JERSEY; and, the consequence was, that, even in the year 1792, when I first went to the United States, that part of the Union was still suffering from the disreputation brought on it by the *legal tender*, which, before it was put an end to, had not only produced a total stagnation of trade, and had brought ruin upon thousands of people, but it had begun to drive the people out of the State; and, had it not been put an end to, the State would, long ago, have been *wholly depopulated*.

But, we need not go *abroad* for any thing to convince us of the settled opinions of statesmen and politicians as to the effects of a *legal tender in paper*. We have only to look into our own *Statute-Book*, where we shall find the thing sufficiently reprobated, as in the Act passed in the year 1763, which declares such a *tender* to be *discouraging and prejudicial to trade and commerce*, and the cause of *confusion in dealings and a lessening of credit*, in the Provinces where it was in use; and, having declared this;

having laid down these as principles, the Act goes on to forbid the issuing of any more such paper; it makes void all Acts of Assembly thereafter passed to establish or keep up such tender; and it inflicts a fine of 1,000 pounds (with immediate dismission, and future incapacity to fill any public office or place of trust) on any Governor, who shall give his assent to such Act of Legal Tender.\*

MR. HUSKISSON, who was one of the *Bullion Committee*, of the labours of which we shall soon see a good deal; Mr. HUSKISSON, who enjoys a large *pension*, paid out of the taxes raised upon the people, and who, therefore, ought to understand something of such matters; this Mr. HUSKISSON (of whom I shall have to tell you a great deal before we have done) has just published a pamphlet, under the title of, "The Question concerning the Depreciation of our Currency stated and examined;" to the doing of which he was, it would seem, like Rosa Matilda, *reluctantly forced by the pressing partiality of friends*. This Mr. Huskisson, in his pamphlet, which is, apparently, intended to justify his conduct as a member of the Bullion Committee, has said, that, "if it had been proposed, at once to make bank notes a legal tender, and, in direct

\* FOURTH YEAR, GEO. III. Chap. 34. An Act to prevent Paper Bills of Credit, hereafter to be issued in any of his Majesty's Colonies or Plantations in America, from being declared to be a *legal tender* in Payments of Money; and to prevent the legal Tender of such Bills as are now subsisting from being prolonged beyond the periods limited for calling in and sinking the same.—Whereas great quantities of Paper Bills of Credit have created and issued in his Majesty's Colonies or Plantations in America, by virtue of Acts, Orders, Resolutions, or Votes of Assembly, making and declaring such Bills of Credit to be legal Tender in payments of Money. And whereas such Bills of Credit have greatly depreciated in their value, by means whereof Debts have been discharged with a much less Value than was contracted for, to the great discouragement and Prejudice of the Trade and Commerce of his Majesty's Subjects, by occasioning Confusion in Dealings, and lessening Credit in the said Colonies or Plantations:—The Act then proceeds as above described.



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as one of the ous of which al; Mr. Hus- pension, paid n the people, to understand this Mr. Hus- e to tell you a done) has just the title of, the Deprecia- ated and ex- of which he Rosa Matilda, ing partiality of isson, in his ntly, intended member of the d, that, "if it once to make and, in direct

II. Chap. 34. Bills of Credit, y of his Ma- ions in Ame- to be a legal ney; and to such Bills as eing prolonged for calling in Whereas great Credit have Majesty's Co- America, by esolutions, or and declaring gal Tender in whereas such depreciated in of Debts have ss Value than at discourge- ade and Com- acts, by occa- and lessening s or Planta- eeds as above

"terms, to enact, that every man should "thenceforward be obliged to receive "them as equivalent to the gold coin of the "realm, such a proposition would have ex- "cited universal alarm, and would have "forcibly drawn the attention of the legis- "lature and the public to the nature of "our circulation and to the consequences "of such an innovation. But, certainly, "nothing of the sort was in the contemplation "of any man when first the suspension act "was passed." But, is this true, Mr. Huskisson? Your memory fails you, I hope; for, not only was it in the con- templation of many persons; but several persons said, that, in effect, the bank notes would become a legal tender, and that, they would, of course, depreciate.

Gentlemen, it is at all times right, that the truth should be known, respecting the conduct and the characters of men in any- wise entrusted with the management of the public affairs; and, at this time, and especially as relating to this most im- portant subject, it is right that no part of the truth should be hidden. With this conviction in my mind, I shall be rather minute in my references to what was said at the time when the Act of 1797, which protected the Bank against the demands of the note-holders, was under discussion.

The bill, as was stated in my last, was moved for by PITT on the 9th of March; and, during the debate of that very day, Mr. Fox contended, that, if the bill passed, the property of the Stock-holder must, at once, be depreciated in value; and, Mr. SHERIDAN said, that "he believed, that we "should not long be able, after the inun- "dation of paper to which this system "gave birth, to stop them from making "bank notes a legal tender, and then adieu "to the appearance of specie at the Bank, "and soon afterwards to the real value of "the Bank note." When the bill was under discussion on the 27th of March, Mr. PITT having said, that the clause, respecting the bar to arrests for debt, did not go the length of making Bank-notes a legal tender, nor to take away the power of the creditor to pursue the debtor in the usual course of law, in order to obtain pay- ment in cash, Sir FRANCIS BARING said, that he saw no means of avoiding the evil to be apprehended by bankers and mer- chants but that of making Bank-notes a legal tender; and Mr. DENT was for mak- ing Bank-notes a legal tender during the

suspension of cash payments. Now, what did Mr. PITT say, in answer to this sug- gestion from his friends? He said, that "as to making Bank-notes a legal tender, "he thought, that, if it was possible to "meet the present difficulty without it, it "ought to be met without it; that, upon "a subject of so much difficulty and un- "certainty, no man could speak with con- "fidence; but, that as long as the circula- "tion rested upon paper taken by consent, "he thought it would not be advisable "to have it taken by compulsion."

Upon this ground, the Act was passed; and, it is very clear, that one of the ob- jects of the short duration of the first Act, which was passed for only 51 days, was, to see whether people were inclined to have recourse to the law to compel payments in cash for debts due from private individuals to other private individuals. Every means, as we have seen, had been taken to pre- vent this. A planned Meeting of Bankers and Merchants had been held at the Man- sion House in London, and its resolutions for taking and circulating Bank-notes had been issued under the sanction of the then LORD MAYOR. Similar resolu- tions had been issued from the several benches of Justices at the quarter sessions, in all the counties; and, indeed, as these resolutions were signed by the Clerks of the Peace, and had about them all the air of acts of authority, the effect upon the farmers and tradesmen in general was nearly the same as that of an Act of Par- liament, making Bank-notes a legal tender. If these means had failed, however, there can, I think, be very little doubt, that the measure of making Bank-notes a legal tender would have been adopted; for, the only reason which Pitt offers, as we see above, for not doing it at once, is, that the people seemed, at present, to be disposed to take the Bank-notes as cash without com- pulsion; and, he very clearly meant, that, if the people refused to consider them as cash, compulsion must and would be re- sorted to.

And yet, after all this, and with these facts recorded in the Parliamentary Pro- ceedings of the time, Mr. HUSKISSON, who was actually in office under PITT or DUN- DAS when the measure was discussed; with all this before his eyes, this Gentle- man tells the public, that neither the making of Bank-notes a legal tender nor any thing of the sort was in the contemplation



of any man at the time when the Act for the suspension of cash payments was passed; and that any proposition of the kind would have excited universal alarm, and would have forcibly drawn the attention of the legislature and the public to the possible consequences of such an innovation!

Here, Gentlemen, we have an instance either of the *incorrectness*, I might say, the *ignorance*, or the *insincerity*, of Mr. Huskisson, who, to say the truth, is not without his temptations, as we shall by-and-by see, to draw a veil over the origin and the conduct of the originators of the measure of protecting the Bank against the demands of the note-holders; to do which it was absolutely necessary either to make Bank-notes a *legal tender*, or to do something that should answer the same purpose. To make them a *legal tender* by law, at once, would, indeed, have been a thing so shameful as not to be endured, in the face of the principles laid down by the parliament, in the Act of the 4th year of Geo. III., above quoted. To pass a law making English Bank-notes a legal tender, putting English Bank-notes upon a level with the colonial paper mentioned in that Act; to make Bank-notes the degraded thing there described, was what could not be thought of, until all the means of avoiding it had been tried; but, it is, nevertheless, very clear, that, if the circulating; if the promulgating (with all the appearance of official authority) of the resolutions from the Mansion House and from the benches of county Justices: it is very clear, that if these had failed in giving currency to the Bank-notes, these notes would have been made a *legal tender* in all cases, and to all intents and purposes whatever. They are a legal tender from the Bank itself. They are a legal tender to the Stock-holder in payment of his dividends. No man can sue the Bank Company on account of their refusing to give him gold for any of their promissory notes of which he may be the holder; nor can any Stock-holder sue the Bank Company on account of a refusal to pay him the amount of his dividends in cash.

They are certainly *not a legal tender* between man and man, any further than as far as relates to the barring of an arrest and of the necessity of *special bail*. You cannot arrest, or demand special bail from, the debtor, who tenders you the amount

of your debt in Bank of England notes; but, you may sue him in the other way. The tender of Bank-notes secures the debtor from arrest and from being obliged to give special bail, in the first instance; but, it does not protect him against being finally compelled to pay in cash. If, for instance, GRIZZLE GREENHORN owes either of you a hundred pounds; or, which is a better illustration, perhaps, if you have in your hands a hundred and five pounds in amount of the notes of Messrs. PAPERKITE & Co. Country Bankers, and you have a mind to have gold for those notes, looking forward to a time when you may want them, and having a greater attachment to the king's picture than to the arms and crests of Paperkite & Co. In such a case, you go to Paperkite with his notes, and demand payment of them. He tenders you, as a matter of course, Bank of England notes to the amount of those of his own which you present for payment; but you, in pursuance of your design to be possessed of a hundred of the king's pictures, demand gold, and stick to that demand. If he cannot, or will not, pay you in gold, you cannot arrest him or compel him to put in *special bail*, but, you can bring the ordinary action of debt against him, the decision of which is sure to be in your favour with the usual costs, and, while the action is going on, he is obliged to deposit the Bank of England notes in court, as the ground of being protected in the meanwhile against arrest and against the demand of special bail; and, if he does not make this deposit, you can even arrest him, as in any other case of refusal or inability to pay.

Thus, Gentlemen, stands the law, with regard to the legality of a tender of Bank of England notes. The Tax-gatherer cannot refuse them in payment of taxes; the Stockholder cannot refuse them in payment of his dividends; and the note-holder cannot demand coin for them of the Bank Company or of any body else, of whom he has once received them in payment; but, any private individual may refuse them in payment of money due to him from any body but the Bank Company; and, may proceed to recover payment in real money, in the way above described.

Thinking it desirable to keep this subject of the *Legal Tender* distinct from that of the *Duration* of the Act of 1797, and





having necessarily a good deal to say upon the latter subject, and much interesting matter to develop, I shall not enter thereon till my next Letter; and, in the meanwhile, I remain,

Gentlemen,

Your faithful friend,

WM. COBBETT.

State Prison, Newgate, Monday,

November 19, 1810.

### SUMMARY OF POLITICS.

**KING'S ILLNESS.**—The accounts which, upon this subject, are given in the newspapers, are so very different; and indeed, so directly opposite to one another, that it is next to impossible to know what to believe, or what to guess at. The Official reports, or bulletins, as they are called, may mean any thing, or nothing, just as the interpreter is disposed to think, or to wish. The Morning Post of Friday and Saturday last told us, that the King had not only had interviews with Lords Chesterfield and Camden, but that he had attended to several points of business. The Times news-paper had said the same thing; but, yesterday (Monday, the 19th) it contradicted its former statements, thus: "In the eagerness of our anxiety for his Majesty's recovery, we naturally catch at every rumour of a favourable nature. It was in this spirit that we stated on Friday, that two noblemen, Lords Camden and Chesterfield, had been admitted to an interview with the King in the course of last week; and that various points of public business had been submitted to his Majesty. We feel the deepest regret in being under the necessity of stating, that there is not the smallest foundation for these reports. For upwards of three weeks his Majesty has in no instance exercised the functions of sovereignty; nor have the noblemen mentioned been admitted to his presence. We may even add, that no branch of the Royal Family has seen the august head of it during the above period. We the more readily adopted the flattering reports that were in circulation, as they were, in a great measure, sanctioned by the declarations of Ministers in both Houses on the preceding day."—The falshood of the Morning Post was, indeed, rather too flagrant to mislead any body; for, it said, that the King had attended to business before Friday; so that, he must have done it on Thursday, and that was the

day, upon which the Parliament met; and on which it was next to impossible that the fact, if true, should not have been stated.—To day (Tuesday, 20th) the Morning Post tells us, that it has the inexpressible happiness to announce the great amendment that has taken place in the King's disorder, and it then proceeds further to state, that "Though his Majesty has not yet exercised any act of Sovereignty it is certain that he has of late, more than once, spoken voluntarily of the state of things created by his illness, and the proceedings consequent upon them; nor is it less true that he has actually attended for three hours to the arrangement of the household of the much lamented Princess AMELIA."—From the bulletins, no one would believe this to be true; and, considering the source whence it proceeds, there can, I think, be little doubt of its being wholly false. At the motive, which this venal writer has for promulgating such falsehoods, it is very easy to guess; and, it is my duty to caution the public against being deceived by them.

—The state of uncertainty, in which we are placed by these contradictory reports, cannot, however, be of long duration. There must soon be an official and specific report made upon the subject, which will leave no room for these frauds, practised upon a credulous people by a venal vender of paragraphs. Hypocrisy and fraud, low cheating cunning, the budget of tricks of these prostituted pen-men, are capable of doing much. They have done much; they, with their aids, have created and kept up a delusion as complete, as disgraceful, and perhaps, as fatal, as any that ever existed in the world; but, there are certain things which they cannot do; there are certain bounds to the success of their falshoods and their frauds; and, though we live in an age when falshood and hypocrisy have met with such success, I flatter myself with the hope of living to see these two most mischievous vices a little less fashionable in England than they now are.

—The publishing falshoods, known falshoods, is, with prints like the Morning Post, a system; settled method of proceeding; a fixed line of conduct. The writer, or writers, know well that all intelligent persons will, at once, perceive not only the falsehoods, but the motives whence they are published. They also know very well, that the whole of the public, including the stupid creatures whom they



intend to cheat with these falsehoods, will, ere long, perceive them. But, with all this before their eyes; with the certainty of being and of meriting to be, objects of contempt and of scorn with all men of sense and of worth, they proceed on, quite regardless of the consequences, provided they can secure the delusion of the twenty four hours in which they are writing.—On Saturday last, the 17th instant, there was published in the same print, an article worthy of notice, as it touches upon the *measures, to be adopted in case the King should not recover.* This is a matter which interests one; because much must depend upon it.—I will here insert the article, and offer such remarks upon it as appear to me likely to be useful.—“Although the attention which *his Majesty has paid to business,* within the last few days, has been the cause of some return of fever, we are most cordially rejoiced at stating that every account concurs in representing his Majesty as likely to be soon completely restored to his affectionate People.—It is therefore less necessary than ever, as well as less becoming, to speak of the measures, which the two Houses of Parliament would have adopted, in the event of his Majesty continuing unable to attend to public business. But we cannot omit a few comments upon a most extraordinary article which appeared in the Morning Chronicle of yesterday—premising, however, that we will not be drawn into a controversy upon subjects which do not require discussion.—Nothing can be more entirely misrepresented than the proceedings of Thursday, if they are made to authorise the idea, that in the event of a Regency becoming necessary, the Heir Apparent to the Throne would be declared, *DE JURE*, Regent. This claim of divine and indefeasible right was brought forward, not by the Prince himself, but by Mr. Fox and Lord Loughborough, in 1788. It was no sooner urged, than those who urged it wished to avoid a decision upon it. But it was then too late; it was necessary to decide, and the claim was most decisively rejected. At the time, there was not any precedents either in favour of the claim or against it. The precedent then created, is certainly as decisive as a precedent can be. There was not then, nor is there now, any doubt as to the person to be appointed

Regent;—there were many differences with respect to his powers; and we admit, that many of the circumstances which should guide the judgment in this respect now, are materially altered since 1788. But the question of absolute or limited Regency is not necessarily connected, though it has been most improperly confounded, with that of the indefeasible right of the Regency. Such a right would imply an absolute Regent, but the rejection of the claim of right does not necessarily imply a limited Regent. The discussion of Claims of Right is always to be avoided, if possible. In the present case, even if the hopes of his Majesty's speedy and entire recovery were less strong, it does not appear that such a discussion would be at all required. On the practical question, that is, as to what is fit to be done, there would not, we are convinced, be any material difference of opinion between the persons by whom the measures would probably be proposed, and those more immediately interested in them; the theoretical questions, we trust, would be avoided on all hands.—We take this opportunity of correcting the mis-statement of a *Weekly Publication*, in which it was insinuated that in 1788, there was an intention of joining others in the Government with the Prince of Wales. The fact is, that the Prince was to have been sole Regent, under certain restrictions, the principal of which were, that he should not, for three years, grant pensions for life, or Peerages. The Queen was to have a Council, to assist in the care of his Majesty's person and household; and this may possibly have led the *Weekly Writer* into his mistake.—It is hardly necessary to advert to what is said, as to the Irish Bishops, &c. sitting in Convention. The Livery of London, or Freeholders of Middlesex, might equally claim that right!”—FIRST: the reader will see, that on the day when the bulletin stated the King to have more fever, this writer ascribes it to the attention which the King had paid to business, which was, we are here told, the cause of the return of the fever.—SECOND: This writer confounds divine and indefeasible right, with hereditary right. With respect to the former, it has been denied, and the nation, in choosing a king, at the time of the Revolution, acted upon the principle of the denial. But, does this writer, in the *Morning Post* (who by-the-bye, from the decency of his



language, appears to be but an *occasional* writer), mean to deny the *hereditary* right? And this, I think, he must deny, before he denies the *right* of the Prince of Wales to be Regent, in case of the King's incapacity to exercise the functions of Royalty. If this right be not in the Heir Apparent, it is, of course, in *nobody*. Who, then, is to settle the point? If a Regent is to be chosen, he may or may not be of the Royal Family. Step aside from the line of descent, and there is no boundary left. Besides, *who* is to choose the person to supply the place of the King? The two Houses of Parliament? Why, if they can do this without the King's assent, what can they not do? They cannot authorize the making of a Turnpike Road without the King's assent; and yet, according to this writer, they can appoint, of their own will, a person, *any person*, to supply the place of the King himself, to the exclusion of his heir and even the whole of his family; for, this is a *necessary deduction* from the assertion, that the Prince of Wales's claim of right to the Regency was unfounded. The Regency, like the crown, must go by *descent* or by *election*; if the former, which this writer denies, then the Prince's claim of right was undoubted; and if the latter, the choice might fall upon any body else as well as one of the Royal Family. Which, I take it, is a doctrine for the preaching of which an accusation of *Jacobinism* and even of *treason* would not have satisfied the venal tribe, if I had been the preacher.—THIRD: this writer (who is not the same that writes in the Morning Post generally) throws out, that the *times* and *circumstances* are altered now; that it is desirable to avoid the *theoretical* questions; and that there will, he is convinced, be very little difference of opinion between the *persons* by whom the measures would probably be proposed and those more immediately interested in them.—Very well. I am glad to hear this, not being able to persuade myself, that the Prince would be content with any thing short of the *whole* of the kingly power and authority. Yet, though circumstances are altered, I cannot see, that they are so much altered as to make wholly unfitting the measure contained in the propositions of 1788, if it was *fitting* then. So far, however, was that measure from being fitting, that it was, as his Royal Highness himself (see page 885,) described it: "a project for producing weakness, and disorder, and insecurity in every branch

" of the administration of affairs; a project for dividing the Royal Family from each other; for separating the court from the state; a scheme disconnecting the authority to command service from the power of animating it by reward, and for allotting to the Prince all the insidious duties of the government, without the means of softening them to the public, by any one act of grace, favour, or benignity."—This was the description, which the Prince himself gave of the scheme that was proposed to him. Whether I was right, then, in my former description of the *thing* which PITT meant to set up instead of the kingly office, let the reader judge.—This writer in the Morning Post affects to believe, that I had fallen into a *mistake*, and that I meant, that it was proposed, in 1788, to make some other persons *joint Regents* with the Prince. I meant no such thing, and I could mean no such thing, having, as I had, all the proceedings before my eyes. I meant what was really the fact, that the scheme of 1788 was intended to *keep from the Prince all real power*.—This writer tells us, that the Prince was to be *sole* Regent. He does, indeed, allow, that there was to be A COUNCIL to assist the QUEEN, who, under the advice of *this Council*, was only to have the *care of the King's person*; only that, and management of the household and the *appointment of the officers therein*, such as master of the horse, lords of the bedchamber, &c. &c. &c.; only that and, which I had like to have forgotten, the management of the King's privy purse of sixty thousand pounds a year; only these little matters were to be left in the hands of the QUEEN and COUNCIL, while the Prince was to be denied the power of *making peers*, or of granting any office in reversion, or any pension, or any place whatever, except for the *King's pleasure*; and, of course, no such grant or appointment could have any *security*.—Well might the Prince complain, as he did complain, that this was an attempt to degrade both him and the kingly office. Who is there so blind as not to see, that, under the operation of such a scheme, the Prince could have had no real power; and, that, if it had continued long, the kingly office must have fallen into the state that His Royal Highness anticipated?—Yet does Mr. GEORGE ROSE the Elder, speak of the Minister's conduct upon that occasion in strains of the highest eulogium. "At that juncture," says he,



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“there were particular circumstances in the political state and political opinions of Europe, which tended more than ever to endear to every good and virtuous man the monarch they saw re-established, and the tranquillity which that happy event had restored. The display of wisdom and of firmness evinced by Mr. Pitt during that interval of national anxiety which the King’s illness occasioned, did him infinite honour: he took that high ground, which his virtue as well as his ability entitled him to take; and with a dignity and courage inspired by both, rebuked at once the fears of the timid, and supported the rights of his Sovereign: not less faithful to his country than loyal to his King, he devoted his services to both in a manner equally manly and disinterested\*.”—This was written and published only four years ago, and two years after the King had visited *Cusnedes*. This is the description which Mr. ROSE gives of conduct, of which the invention of the above-mentioned project made a part; and which project, of course, is by this writer, looked upon as necessary to support the rights of the King, though, as we have seen, its obvious tendency was to withhold from his Son all the real powers of sovereignty.—The writers of this bitter faction have always thus dealt in insinuations. Look at the above-quoted passage, reader, and say what you think it means; say what you think it fairly means. And, to use a vulgar phrase, *why was this subject ripped up in the year 1806?* What good could it do? And what object but one could it possibly have, especially when thrust into a work upon finance? JOHN BOWLES, in *Mora-political pamphlets*, has, I must confess, acted in a more manly way. He has spoken out, and, if what he says be bad, it is at least, free from the charge of meanness. He has insinuated, but he has not assailed with insinuations only.—At page 917, I brought down the Official Bulletins to the morning of the 13th instant. I shall here insert them to the evening of yesterday, the 19th instant.—TUESDAY, Nov. 13, 1810, seven, P. M. “The King has had a little increase of fever this day, but his Majesty is now rather better.”—WEDNESDAY, Nov. 14. “The King has had some sleep in the night, and his Majesty

“is better this morning.”—THURSDAY, Nov. 15. “His Majesty is much the same to day as he was yesterday.”—Nov. 15—nine o’clock P. M. “His Majesty has had a little increase of fever this afternoon.”—FRIDAY, Nov. 16. “His Majesty has had some sleep in the night, and his fever is again a little abated.”—Nov. 16. “His Majesty has had a little increase of fever this evening.”—SATURDAY, Nov. 17. “His Majesty has had a restless night, and has, upon the whole, been more feverish for the last two days.”—Nov. 17—Nine o’clock, P. M. “His Majesty’s fever has continued, but without an increase this evening.”—SUNDAY, Nov. 18, “His Majesty had some sleep in the night, and there is a little abatement of fever this morning.”—MONDAY, Nov. 19. “His Majesty has passed a quiet night though without sleep, having slept several hours yesterday evening. This morning he is quite as well as he was yesterday.”—From these reports there is not much to be collected; and, as to what is said in the newspapers, beyond these reports, no reliance whatever can be placed, not even the smallest degree. Those, therefore, who wish to avoid being deceived, will wait for the official development; for, they may be assured, that that is the only way to avoid deception.

PORTUGUESE CONSPIRACY.—The reader will, doubtless, recollect the account, which was given us, by the *Morning Post*, early in last month, of a horrible conspiracy in Portugal, in the city of Lisbon, which extended itself, we were told, through the whole kingdom. In the Register of the 6th of October, at page 545, the subject was taken up, and descanted upon somewhat at large.—The *Morning Post* had asserted, that great numbers of the nobles and gentlemen, that many eminent merchants, that a Judge and a Marchioness, were amongst the conspirators; that arms and clothing for 5 thousand men were provided, that the plot extended far and wide; that it was the design to assassinate the English; and that the conspirators had been seized (some of them in their beds) and sent off to Africa without a trial. Whereupon the *Morning Post* bestowed great praises upon the vigilance and the vigour of Lord Viscount Talavera.—If the reader will look back to pages 557 and 558, he will see my reasoning upon the statements of the *Morning Post* and

\* ROSE’S Brief Examination into the Revenue, &c. published in 1806, by J. Hatchard.



he will see the conclusion drawn, and, indeed, naturally and inevitably proceeding from such premises.—The article appeared in the Morning Post of the second of October; my commentary was published on the sixth of October, and which commentary went all along upon the condition that the statement of the Morning Post was true.—Now, mark what has since happened: the Portuguese government, in the LISBON GAZETTE of the 29th of October, contradicts the statements the positive, the detailed, the circumstantial statements of the Morning Post; and even complains of the calumnies of that print, for, as will be seen, no other print, can the Portuguese Government mean.—“It appearing by positive information received by the Police, that the residence of certain individuals in this country might prove prejudicial to the public tranquillity and peace, in circumstances so critical as the present, the Government adopted the resolution provisionally to remove them from Portugal. This measure having been grossly calumniated in an English newspaper of the 2d instant, the Governor of the kingdom has ordered the said calumnies to be contradicted, and to declare, that neither Marshal-Gen. Lord Wellington, nor the Minister Plenipotentiary of his Britannic Majesty, nor any other individual of the English nation, had the least share in the above proceedings, nor any previous notice thereof, because it was merely the result of authentic information, communicated by the police. The other absurd accounts of a conspiracy, of arms found, &c. are so notoriously false, that they deserve no refutation. Offences of that description, did they really exist, would be visited with punishments far more rigorous.—(LISBON GAZETTE, Oct. 29.)” This is very good. Here, we have the Portuguese Government protesting against the statements of this English newspaper, though, as it will be remembered, the Morning Post paid that government the highest compliments for having done those violent and tyrannical acts, which it now appears, that the government never had in contemplation. And, it is well worthy of remark, that particular pains are here taken to convince the world, that our Commander and our Envoy had no hand whatever in the shipping of any body off; though the Morning Post had taken as great pains to make the people of England believe, that both of them

came in for a share of the merit.—That this solemn contradiction has arisen from the article in the Register, just referred to, is more than I can positively say; but, I think, there can be no doubt of its having arisen from the desire of Lord Talavera and Mr. Stewart not to be thought parties to a measure, which had been so much praised in the Morning Post.—The measure, be it remembered, as described in this print, was too moderate for the writer. He had told us, that many most respectable and very aged persons had been seized on, some of them in their beds; had been prevented from seeing their children or their friends; and had been shipped off to Africa without a trial. And, upon the supposition that all this was true; nay, after having stated it as truth, this writer, who is continually uttering vehement attacks upon the tyranny of Buonaparté, told us, that he “knew not whether he should altogether commend the moderation with which the individuals had been disposed of.”—This is, by far, the most material circumstance belonging to the affair. Here is an English news-paper writer, who, in giving what he supposes to be a true account of a conspiracy in Portugal, to defend the liberties of which country an English army is sent, tells us, that many of the most respectable people have been seized upon suspicion, have not been suffered to see their children or friends, and have been transported without any sort of trial or examination; and he adds, that he does not know, whether he ought to commend the moderation, with which these people have been disposed of. This is the fact, upon which I wish the reader to dwell for a moment; and, then, I wish him to ask himself, what he thinks men of this description would gladly see done in England.—As to what did really happen at Lisbon, upon the occasion referred to, I cannot say. The contradiction in the Lisbon Gazette is not so full as to enable me to form any judgment upon that subject; nor, indeed, is it any business of mine.

SPANISH WAR. LORD BLANEY.—Under the head of CADIZ and date of the 26th of October, the following article has appeared in the London news-papers, and especially in the TIMES of yesterday.—“The expedition that sailed for the coast of Malaga has not been successful. It disembarked at Malaga, and was received by 4,000 French troops, to whom the greater part of the foreigners who lately



"passed from the enemy's army, and enlisted under the Spanish and English colours, deserted. The regiment of infantry of Toledo sustained a very brisk fire, and covered the retreat and embarkation of the remainder of the forces. Our loss consists of 400 men; and the English Commander of the expedition (Lord Blaney) was wounded and taken prisoner. Such are the particular accounts which we have received respecting this unfortunate expedition; they will teach us what we have to expect from men who have once abandoned their colours."—

I do not see why this should teach you any such thing. You have often enough been told of this before. You have been told, that those who had betrayed others would betray you. Nay, it is curious enough, but, I believe, that these men, so complained of here, are the very persons, of the enlistment of whom out of DUPONT's army, Mr. WARDLE complained, in the House of Commons, and, at the same time, foretold the consequences of employing them. He wanted to save the money, laid out upon the enlistment of these foreigners. He wanted to leave that money in the people's pockets. It was a part of what he would have saved to the nation. Oh! how the venal writers; how the whole set abused him for that proposition! And, how dearly we shall, I fear, pay for the rejection of his truly wise and public-spirited advice. — The account here given of this adventure under LORD BLANEY (whom, I must say, I never heard of before,) may possibly be a mere romance; but, I do not think so any more for our not having seen much of it in the public prints. It is not an adventure to talk much about. It is a thing to keep quiet, and especially as the heroes of Dupont's army; the "*fine body of men*" (for so they were called), who "*left the tyrant's ranks for liberty's sake,*" are so deeply concerned in it. — I should not wonder, if we were never to hear of this affair again: especially if it be true. And, here we have another instance of the nature of our press. I hope the Spanish Cortes will take care to provide for a press, that shall not be a bar to any thing but falsehood.

PORTUGUESE WAR. — We were told, forty days ago, that the battle must be fought in six days; and, we now find, that it was not fought ten days ago; or, at any rate, we find, that Massena was not, ten days ago, either dead from starvation, or

running away. — Now, I must confess, that I do not think he will be starved quite so soon as our Viscount's people seemed to expect; though, doubtless, he must be starved in the long run. — Our papers all agree, that Massena was laughed at. By whom they do not say; but, we are to suppose, of course, that he was laughed at by our own people. The Morning Post, beginning with the thirteenth of November, tells us, that Massena is retreating; that he has already begun to move his heavy baggage; that Lord Talavera did not mean to follow him with his whole army; that he meant to follow him with his cavalry and light troops only; that deserters had been constantly coming in at the rate of from sixty to 100 of a day, that they all agreed in representing the French army as suffering the extreme of want and wretchedness; that Lord Talavera had been heard, in conversation with his officers, to laugh at Massena, for getting so completely into the mire; that Lord Talavera was very secret, and, perhaps, meant to fall upon the French at the last moment. To this intelligence the Morning Post added these words. "We have the happiness once more of relieving the public mind of suspense and false rumours, by laying before it authentic news from our brave army in Portugal. The French are retreating! And that too without daring to hazard an attack upon us." — So much for that true news. On the fourteenth the same paper told us, that the French had only 60,000 men, horse and foot, while our force consisted of 34,000 British, 30,000 Portuguese, troops of the line, 10,000 Spaniards from Romana's army, and 10,000 Portuguese Militia. Thus have I all my men. I have not so often mustered my 60,000 fighting men for nothing, for I have them all here, and 24 good thousands at their back. — Besides this force in Soldiers, we have, the same paper of the same date tells us, 120 forts, upon which are mounted nearly 1,000 cannons, besides the train of artillery belonging to our army, and 25 gunboats placed upon the river. We have now in the Tagus, adds the writer, 2 three-deckers, 7 two deckers, 3 frigates, and smaller vessels; therefore, we conclude that we have now nothing to fear, the enemy being destitute of provisions, and losing by desertion and otherwise not less than 100 men a day. Then he tells us, that Lord Talavera has immortalized himself; that he will go into Lisbon crowned with laurels; that



every thing wears a most cheering aspect; that Lord Talavera's movements and his success in drawing Massena after him, were thought a *chef d'oeuvre* of the Military art; that Massena's army must be destroyed in the retreat; that a great scarcity of provisions prevailed in Massena's army; that Massena was starving; that a great number of his horses had been killed and *stewed down for soup*. On the fifteenth the same print told us, that Lord Talavera's *firmness* and *decision* were of the *highest cast*, and stamped him qualified for the greatest enterprizes; that he would, doubtless, continue to pursue a system, by which he had already accomplished so much!!! . . . . . But, let us go on if we can . . . . . That all Massena's communications were cut off; that his army were in absolute want of bread; that no rations of bread had been served out to them for *forty days* past; that, of late, they had been without salt; that they must inevitably soon be afflicted with the *dysentery* and other complaints; that Massena was now *laughed at more and more*, that for seventeen days, previous to the 29th of October, the French had had *no provisions whatever, except some ears of Indian corn!*—All this news brought us down no later than the 29th or 30th of October. The newspapers of to-day tell us of dispatches to the 10th of this month; and *no battle yet!* And the French *still alive!* The Dysentery not killed them yet! They are tough dogs, I am afraid. Talk of a cat, indeed! A Frenchman must have ten times as many lives as a cat.—One can, however, now speak with something like *certainty* as to the time when this contest *must* terminate, unless Massena retreats or is attacked, for we have the most positive assurances, that Massena loses 100 men a day by desertions. Now, then, if he has only *sixty thousand* men, he will have lost the whole of them in 600 days from about the 1st of October last; that is to say by the 2nd day of May, 1812. And, be it observed, we can very well afford to lie watching him all that time, because the desertions from his army will much about make up for the wear and tear of ours.—There never was, I believe, before, an instance of an army of 84 thousand men being kept behind their lines by 60 thousand men. I believe, that, in the history of no war whatever there is an instance of the kind. It is very seldom that we have heard of an enemy's attempting even to

defend itself with means so very inferior as those, to which (as we are above told) Massena is now reduced. And, therefore, for the *honour* of the *English army* and the *English name*, let us hope, that he is really so situated as *not to be able to get off*: for, upon what other ground than that of being *sure to beat him finally without a battle*, can he be, for only one hour, suffered to exist where he is?—Reader, put this question home to yourself; and the answer to it will render unnecessary any further observations from your humble servant,

WM. COBBETT.

State Prison, Newgate, Wednesday,  
November 20, 1810.

### OFFICIAL PAPERS.

SPAIN.—Proceedings of the Cortes.  
(Continued from page 960.)

LLANERAS spoke against it, observing that it was not the only road by which a nation reached distinction, nor the only means of knowing the public opinion.—GOLFIN was for the liberty of the press, because he thought it just, useful, and necessary. He combated the opinion of Llaneras, observing, that since the art of printing more publicity had been given to our religion.—Another deputy also spoke in favour of it, observing that all were agreed in substance.—VALCARCEL, who also supported this liberty, was for putting it to the vote, "whether the question had been sufficiently discussed!"—The discussion, however, was continued; and Creua read a plan, in which he proposed that the Cortes should permit political works to be printed without a censor; and at any rate, if there was a censor, that submission to him should be voluntary on the part of the author.—Tenreiro said, that it could not be doubted that this liberty produced illumination; but that also by means of it were introduced a thousand errors. He thought that it would be proper to consult the Universities, the Bishops, and the Holy Tribunal, who so much abhorred the French. That in Galicia and Catalonia this liberty would not be well received; that of the 10 millions of inhabitants in Spain, not more than 100,000 were for it; and that thus a bad opinion would be formed of the Cortes. He insisted that errors were introduced like poison, and that the philosophers had filled the world with darkness; that the truly wise were few in number, and had



been suffocated by the former; that Spain had arrived at the height of its glory without the liberty of the press; and without it, also, had raised its voice against the oppressor. He repeated, what the clergy of France had told their king;—that this fatal liberty had introduced into England an infinity of sects, which filled the island and the throne with horrors, and which would one day destroy the constitution of which it boasted, as that of France was lost; that it was much better to be rude and good, than knowing and bad, like the French; that the executive power always had the greatest influence upon the press, even though it was free, so that the press and its liberty would be as the government. —MUNOZ TORRERO observed, that the English held it as a fundamental principle, and a declared right of the nation, to watch over the agents whom it appointed; that this right was exercised through the press, in such a way, that what is done in Parliament being published, the most obscure individual could speak what he thought, and enlighten at the same time the parliament and the nation. Would to God it had never been said from the pulpits, that the Deity had inspired Charles IV to place power in the hands of Godoy, when he gave him the Admiralty, and when the liberty of the press existed only for such assertions. He did not speak of learned men only, but of the whole nation, who had a right to declare their opinions. This was not a theory without practice, but what was already established by the constitution in England. It was the grossest error to say, that the nation had not the right to declare its opinions, and yet that its deputies possessed that right; that when Ferdinand arrived, he would possess more force than the executive power; and then, if there was no public opinion, nor the means of establishing it, he might destroy, when he chose, the Cortes of the nation, as Godoy had done, because there was no public opinion, nor the means of freely establishing it. He shewed, that the French Bishops did not perform their duties; and among other proofs, he mentioned that of 70 of them being present at an entertainment given by the Conde de Aranda. The best and strongest bulwark against vice was the moral and religious education of the citizens. He distinguished the civil and religious toleration of the English, from that liberty of the press which he wished to establish. The wise alone did not go to form the public opinion, but

the whole of the citizens. These ideas were general in Salamanca, Madrid, Badajoz, and in numerous other places. (Here Montes observed, that in Galicia the measure would be received with pleasure.) Torrero concluded, observing, that the army were in favour of the liberty of the press; adding, that he had not deduced his opinions from the rights of man, but from principles which he had weighed.—ARGUELLES said, that even supposing the opinion of Galicia was against the liberty of the press, and though the Cortes should be deceived in supposing that the general opinion was for it, yet it was indispensable to allow it; for by it alone could the general opinion be ascertained.—MORROS observed, that this was an affair of conscience, and ought to be decided by theologians and the holy fathers; that the Council of Trent, in its 18th and 19th sessions, pronounced against the liberty of printing even books which treated of politics and the fine arts; that the council of Lateran prohibited every kind of books without a previous revisal; that the Cortes ought not to issue a declaration contrary to so many pious regulations, &c.—MORALES replied, that the Bull quoted by Morros only spoke of the books of heretics known to be such.—OLIVEROS observed, that the fathers in the first ages of the church cried out for the liberty of writing, for printing was then unknown; the greatest persecution of the church was in the time of Julian, who prohibited all their books.

Oct. 18.—The discussion on the liberty of the press was resumed.—OLIVEROS said, that at present, in the great persecution of the French church, this liberty was prohibited; and that in Spain lodges (of free masons) are establishing, which will destroy religion; that obscure intrigues are formed in darkness; and that had it not been for the people, a revolution would have broke out in Madrid in 1793, which would have deluged the kingdom with blood; that if this liberty was not established, those persons would come to have the upper hand, who affect republicanism in order to obtain power—to be kings, dukes, peers, &c.; and that, in fine, by means of the liberty of the press, England is a steady and moral nation.—MORALES added, that neither a Holy Father nor a Council could be mentioned which prohibited writing.—It was then put to the vote, whether the point of the political liberty of the press had been sufficiently



discussed; when it was almost unanimously agreed that it had.—It was then discussed, whether the voting should be public or secret. On this there were different opinions; and though Arguelles was of opinion the votes should be taken in the ordinary form by those who approved rising up, other Deputies expressed a wish that the voting should be private, because thus there would be more freedom.—On this some debate took place; and though all means were had recourse to, to support this opinion, yet LUXAN rose and observed, that it was the wish of the Spanish nation that they should all be heroes; that it required firmness and constancy, not only in those who were in favour of the liberty of the press, but in those who were against it; that the nation would look with the same aspect upon those who heroically gave their vote for the liberty of the press, and upon those who with virtue and constancy voted against it; since both acted equally from a sense of duty, and were equal in its eyes.—This question was then put, and it was almost unanimously carried that the voting should be public.

*Sitting of October 19.*—A letter was read from the Minister of Finance, in which he informed the Cortes, that the Council of Finance was sworn in, and also its inferior officers.—CAPMANY declared his opinion in favour of the liberty of the press; and upon wishing to speak at greater length, he was informed that the discussion was closed.—The Cortes then proceeded to a vote on the plan for the liberty of the press; which took place publicly, and every deputy was asked his opinion by name. The votes being counted, the result was, that the *Political Liberty of the Press* was carried by 70 votes against 32, of which last 9 were only against it for the present. The other 3 articles of the plan were then discussed and approved of.

*SITTING OF OCTOBER 27.*—The Sitting was secret; it lasted from seven in the evening of yesterday, till half-past three in the afternoon of this day.—What ought we not to expect from our august Congress, when we see it, at the expence of uninterrupted fatigue, occupied night and day in the great work of the liberty and happiness of Spain? Immortal glory, eternal gratitude to the Fathers of their Country, whose name shall be pronounced with respect and gratitude by all future generations!—The Senors Don Joaquin Blake,

Don Gabriel Ciscar, and Don Pedro Agar, have been appointed to the Executive Power; and to supply the places of the two first, who are absent, Senor Puig, and the Marquis del Palacio.

*SITTING OF OCTOBER 28.*—At ten in the morning the Sitting commenced in private, and continued till four in the afternoon, when it was made public. The Senors Don Pedro Agar, the Marquis del Palacio, and Don Josef Maria Puig entered, to take the oath.—Senor Agar took it in the established form. The Marquis of Palacio followed, who swore to the two first articles of the formula; and to the third he added, "I do swear without prejudice to the oaths which I have already taken to King Ferdinand the VIIIth." The meeting and the public were surprised; the President observed, that this act did not admit of more words than those that were set down, "I acknowledge and swear;" but that, if the Marquis was not properly acquainted with the formula, it should be repeated to him. The Secretary accordingly read it a second time, and the Marquis observed, that the point was delicate, and an affair of conscience; that he did not refuse to take the oath, but that he had made the addition to it to quiet his conscience.—M. ARGUELLES stated, that the oath should be taken in the established form; remarking, as well as Garcia Herberos, and Munos Torrero, that the Marquis was called there to take the oath, as all the other bodies and authorities had done; in the mean time they demanded, that the ceremony should be suspended, and that the Marquis should retire below the bar: but he requested to be heard, which was refused. Then Senor Puig advanced to take the oath, which he did according to the formula, and took his seat near the President, Senor Agar being on the right, and Puig on the left.—It was resolved that a letter should be sent to the Regency, acquainted them that an unforeseen accident had prevented the Marquis del Palacio from undertaking the office to which he had been appointed.—The Marquis then begged leave to speak, which was granted. He said, from below the bar, that he had always believed, that the unalterable essence of an oath consisted in the manner in which it was stated, and not in the precise and uniform words of the reply; he begged the Meeting to acquit him of any intention of disobedience; and repeated, that what he proposed was an addition on account of a scruple of con-



science; and that he was ready to take the oath in the form he first proposed. This was opposed by many of the Deputies, who required that the question should be put, whether it should be admitted or not. It was put to the vote, and carried almost unanimously in the negative.—The Marquis again begged permission to speak, to which the President replied, "His Majesty cannot hear the Marquis del Palacio any more, and orders him to retire."—Scarcely had he quitted the meeting, when CAPMANY having declared that it would be proper to secure his person, he rushed towards the door for the purpose of escaping; and silence being imposed by the President, a resolution was instantly passed for his detention in the Guard-house of the troops on duty at the Cortes.—Several deputies wished to discuss the further proceedings against the Marquis: but it was agreed that it was not proper to pass to that discussion, it being a matter of more consequence that the Regency should be installed. The President instantly rose, and the new Regency, accompanied by twelve deputies, proceeded to the gate of the Hall, and went to the house of the Ayuntamiento, with four deputies and the Secretary. They were received on their passage with all due honours.—In the mean time the proposal for securing the marquis in a proper manner was debated; and after a long discussion, he was ordered to be kept in custody in the Guard House, as had been proposed by TAGLE.—Senor LUXAN, the Secretary, reported that the new Regency had been installed: he stated, that their predecessors had come out to the gate of the hall to receive them, and conducted them to the cabinet; and that Senor Saavedra, who had acted as President, had seated himself on the left of Senor Puig; that Senor Castanos and Lardizabal, taking off their sashes, had put them upon the new members of the Regency, that the Minister of Dispatches had read, standing, the two decrees of the Cortes.—These Decrees were in substance; the first, that the Cortes, in consequence of the repeated requests of the Members of Regency to be dismissed, had agreed to receive the same, and to appoint the Senors therein named.—The second Decree stated, that in regard that two of the Senors appointed were absent, the Cortes had elected two others to supply their place until their arrival.—Some Deputies insisted that the sittings should be declared permanent, until the question relating to the Marquis

was determined and a successor appointed; but the President observed, that in consequence of the Regency being lawfully constituted by two Members\*, it would be adviseable to wait a little, and to take some relaxation, as the sitting had lasted from ten in the morning till after six in the evening. It was therefore adjourned to nine at night.

FRANCE.—*Commercial Decree.*—Fontainebleau, Oct. 18.

Napoleon, Emperor of the French, King of Italy, &c.—Upon the report of our Minister of Finance, and with the advice of our Council of State, we have decreed and do decree as follows:—*TITLE I.—Of the Establishment, until a General Peace, of Tribunals, charged with the Repression of Fraud and Smuggling, in matters relative to the Customs.*—*SECTION I.—Of the Supreme Courts of the Customs.*—*Art. 1.* There shall be established, until a general peace, Supreme Courts of the Customs in the places, and with the districts of jurisdiction which are stated in the table hereto annexed.—*2.* These courts shall consist of a President, Grand Provost of the Customs, eight Assessors, at least, a Solicitor General, Register, and such a number of Tipstaves as may be necessary for their service. The Grand Provosts are vested with capital jurisdiction.—*3.* These courts cannot try causes unless from six to eight members are present.—*4.* They shall decide in the last resort.—*5.* They shall have cognizance, exclusive of all other tribunals, both of the crime of contraband executed by an armed force, and the crime of entering into speculations for contraband traffic, alledged against the chiefs of bands, the conductors or directors of companies of smugglers, the assurers, the parties interested and their accomplices, in all enterprizes for defrauding the revenue. They shall also have cognizance of the crimes and delinquencies committed by the officers of the customs in breach of their respective duties. The definitive sentences which they shall pronounce, after an interlocutory judgment upon the question of relevancy confirmed by the Court of Cassation, shall not be subject to appeal.—*6.* Our Solicitors General attached to the supreme courts, shall officially

\* Senor Puig entered upon his office as has been mentioned; and the Marquis de Castelar has been appointed in the place of the Marquis del Palacio.



prosecute the crimes mentioned in the preceding article, without the necessity of the superior officers of the customs adducing a process verbal against the persons accused. All the proofs admissible, according to the provisions of the code of criminal process for the conviction of other crimes, shall be received in evidence against those charged with the crimes above stated.—SECTION II.—This establishes an inferior set of courts with jurisdiction in cases where confiscation, fine, or correctional punishment only are necessary. Their sentences are subject to an appeal to the supreme court of the district, and afterwards to the Court of Cassation.]

—TITLE II.—[This Title relates merely to the forms of process to be observed in both the Ordinary and Supreme Courts of Customs.]—TITLE III.—*Of Punishments.*—

SECTION I.—*Of the Punishments applicable to the Crime of Contraband exercised by an armed Force.*—Art. 14. There is no innovation as to the punishments enacted by law with regard to fraudulent traffic carried on by an armed force.—SECTION II. *Of the Punishments applicable to Speculators, Assurers, Persons interested, or being Accomplices in a fraudulent Traffic in Prohibited Merchandize, and also Chiefs of Bands and Conductors or Directors of Companies of Smugglers.*—Art.

15. Fraudulent dealers in articles of prohibited merchandize or produce, assurers, all the parties concerned, or being accomplices in such adventures, chiefs of bands, conductors and directors of companies for fraudulently trafficking in prohibited merchandize, shall be sentenced to ten years of hard labour, and branded with the letters V. D.; and this without prejudice to an adjudication of damages to the State, proportioned to the profits they may have derived from such traffic.—16. Persons merely employed in conveying the goods shall be liable only to correctional punishments, if there be any mitigating circumstances in their favour. But over and above such punishment, they shall be placed under the superintendence of the Supreme Police for a period of not less than five, nor more than ten years.—The securities which they must furnish, in order to their liberation, shall be regulated according to the demand of the Director of the Customs.—SECTION III.—*Of the Punishments applicable to fraudulent Traffic in tariffed Goods.*—17. Fraudulent adventurers in tariffed merchandize, persons conducting or directing companies of smugglers, &c. in such articles, shall be punished with four years of hard labour, besides being

adjudged to pay in the name of damages to the State a sum proportioned to the profits they may have received.—18. Mere carriers shall, in case of extenuating circumstances, be punished only according to Art. 16.—SECTION IV.—*Of the Punishments applicable to simple Smuggling.*—19. Every person who, without that concert or connection necessary to constitute an adventure or assurance, shall be found introducing articles of merchandize clandestinely, and to the defrauding of the duties of customs, shall be subject to the punishments of correctional police, in conformity to the existing laws, and shall be handed over to the special superintendence of the supreme police, for a time of not less than three, and not exceeding six years upon conforming to Art. 16.—[Title IV, relates to the distribution of the seizures made of run goods. Title V, prohibits any compromise to stop prosecution, except where the penalties and confiscations would exceed 3,000 francs, in which case a negociation may take place, under the authority of the Emperor, who will decide upon the report of a special commission.]—TITLE VI.—*Of the manner in which the Merchandize adjudged to confiscation shall be disposed of.*—SECTION I.—*Of Prohibited Goods.*—Art. 25. Prohibited merchandize adjudged to be confiscated, shall no longer be exposed to sale. Our Grand Provosts, and the Solicitors General of our Provosts (Supreme) Courts, shall draw up an inventory thereof, with a valuation of their ordinary prices in foreign countries, and the same shall be submitted to the approval of our Minister of Finance.—26. They shall then proceed to burn, or otherwise destroy them publicly, of which proceeding they shall draw up a process verbal.—27. The sum to be distributed among the officers of the customs, or others assisting in the seizure of prohibited merchandize adjudged to be confiscated and burnt, shall be regulated by the said valuations, and the same shall be defrayed as a special charge, out of the ordinary revenue of the customs.—SECTION II.—*Of tariffed Merchandize.*—Art. 28. Merchandize subject to the tarif, which may be adjudged to confiscation, shall be publicly sold by auction. They shall, in order thereto, be transported to and collected in those places where it may be presumed that the sale will be most advantageous. The said sales shall take place once in every six months, and shall be advertised a month, at least, prior to the time appointed, in the advertising papers of the



different departments, with a list of the articles and sorts of merchandize and produce.—29. If it shall be necessary to expedite the sale of any part of the said merchandize, special reports shall be made to us relative to the same, by our Minister of Finance.—30. Our Grand Judge, Minister of Justice, and our other Ministers, each in what concerns him, are charged with the execution of the present Decree, which shall be inserted in the Bulletin of Laws. (Signed) NAPOLEON.

[A schedule is subjoined, designating the places where the Supreme and Ordinary Courts are to sit, and describing their respective districts. There are seven Supreme and thirty-four Ordinary Courts.]

*Frankfort, Oct. 23.*—The following Decree and Proclamation have been published in this city:—Napoleon, &c.—Considering, that the city of Frankfort is glutted with English and colonial merchandize, imported in the course of last summer by Holland and the ports of the North; That the merchants who have entered into a traffic in the merchandize prohibited by the Decree of Berlin, 1807, knew that they were incurring the risk of confiscation; that the greater part of the merchandize in question is only entered to account current, and is still the property of the merchants; that these merchandizes also, are destined to be smuggled into France, which keeps up a war of customs upon our frontiers; that England is not only at war with France, but is also at war with the league of the Rhine; finally, That in the decree of Berlin we notified that wheresoever our troops should be, all English merchandize there found should be confiscated, and that this measure has already been carried into execution at Stettin, Dantzic, and all over the north of Germany; We have decreed, and do decree as follows:—Art. 1. All English or colonial merchandize, or articles proceeding from English commerce, found in Frankfort on the Maine, shall be put under sequestration. 2. A commission shall be appointed by our cousin, the Prince of Eckmühl, the Commander in Chief of the armies in Germany, to take all the measures necessary to the execution of the present Decree, until our determination shall have been declared with regard to the said sequestration. 3. Our Ministers at War and Finance are charged with the execution of the present Decree.—Done at

Fontainebleau, this 14th October, 1810.—  
(Signed) NAPOLEON.

*Proclamation.*

From the date hereof all owners or consignees of English or colonial merchandize are prohibited from conveying any part of their merchandize out of the city of Frankfort, under pain of confiscation.—All the merchants are enjoined to repair to the office of the Commission established at Darmstadt Hotel, and to give in a declaration of every description of English or colonial merchandize which they may have in their houses or elsewhere.—Such merchants as may have deposited goods, and those who have them in keeping, shall be equally obliged to make declaration of the same.—All English or colonial merchandize, or articles proceeding from English commerce, not declared in the space of 24 hours from the date of the publication hereof, shall be confiscated.—For this purpose domiciliary visits shall be made to the houses both of merchants and others.—If the declaration should not be exact, the part of the merchandize not declared shall carry with it the confiscation of the whole.—The merchants, agents, and dealers, shall deliver to the Commission, within the space of twenty-four hours, a statement of all the merchandize proceeding from English commerce, that has been received, and sent off within the last four months, which statement must be corroborated by their book of entry for the articles received and sent off.—The said book shall be provisionally balanced, and immediately returned to the merchants, in order to their being reproduced at the time of verification.—Persons giving information of undeclared merchandize, shall be rewarded with a fifth of their value.—Inhabitants of Frankfort, measures are taken to ensure the execution of the orders of his Imperial and Royal Majesty, which task has been committed to me by his Serene Highness the Prince of Eckmühl.—Your repose, your commerce, with the exception of what is prohibited, and the festivities in which you habitually indulge at the period of the vintage, will not be for an instant interrupted by them.—The magistrates are required to publish and post forthwith the present Decree and Proclamation, in both languages.—(Signed) —FRIANT.—General of Division, Count of the Empire.—Head Quarters, at Frankfort on the Maine.

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